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SUBJECT: UN GENERAL ASSEMBLY: SPECIAL RAPORTEURS ON  
EXTRAJUDICIAL EXECUTIONS, FREEDOM OF RELIGION, MIGRANTS,  
HUMAN RIGHTS IN DPRK, BURUNDI AND THE DRC

¶1. (U) On October 26, the Third Committee of the General Assembly heard reports from the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions; Freedom of Religion or Belief; the Human Rights of Migrants; and the Situation of Human Rights in the DPRK, Burundi and the DRC. The U.S. statements in reply to these reports can be found at . End summary.

Extrajudicial, Summary or Arbitrary Executions

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¶2. (U) Special Rapporteur Philip Alston complained of a lack of cooperation with his mandate by some states, which he said discourages the cooperation of others and establishes a system of impunity. However, he said he looks forward to his upcoming visit to the United States. He outlined his specific concerns about the situation in Iran, including the execution of juveniles. He noted that 173 people have been executed in the first 8 months of 2007 for crimes ranging from homosexuality to insulting religion. He also mentioned his concerns regarding the situations in the Philippines and Sri Lanka.

¶3. (U) Iran replied that capital punishment is an effective deterrent to serious crimes and it is up to sovereign states to define what constitutes a serious crime in each country. Regarding juvenile detentions, the Iranian delegate said Iran abides by due process, in accordance with international and domestic laws. He argued that the Special Rapporteur was exceeding his mandate and had a hidden personal agenda.

¶4. (U) Venezuela and Russia asked about deaths caused by private companies contracted by states in armed conflict. Russia stated that individual states were intending to avoid responsibility by transferring it to non-state actors, which leads to impunity for violations of human rights. The Special Rapporteur responded that this is a major issue and that principal responsibility lies with the host states. He noted the decision by the cabinet in Iraq to rescind provisions that provide immunity to contract workers.

¶5. (U) The U.S. delegate expressed appreciation for the ongoing dialogue with the Special Rapporteur about the scope of his mandate regarding matters governed by the law of armed conflict. She noted that even the Special Rapporteur's

report recognized that determining responsibility in these situations "can be legally complex." (The full text of her statement is available at [www.usunnewyork.usmission.gov/press\\_release/2\\_0071026\\_265.html](http://www.usunnewyork.usmission.gov/press_release/2_0071026_265.html))

#### Freedom of Religion or Belief

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¶16. (U) Special Rapporteur Asma Jahangir stated that freedom of religion or belief must be protected and at the same time, the rights of individuals must be protected from violation based on the premise of religion or belief. She argued that "no impunity should be awarded when criminal acts which infringe on the human rights of others are given a religious label," but government responses should be proportionate and should respect the rule of law and human rights standards. She called for addressing the underlying problems, the importance of prevention efforts as well as protection and dialogue. She also cautioned against "compulsory overregulation." She wondered how a human rights body could ask for limiting a right, since its purpose is to promote and protect rights.

¶17. (U) Libya expressed concern for Muslims who confront difficulties in other countries due to the allegation that there is a connection between Islam and violence. Egypt stated that religious defamation under the pretext of freedom of expression is a violation of others' human rights and that the promotion of some rights should not be at the expense of others. Venezuela expressed the belief that defamation of religion is a legal concept, which can be inflicted on groups, as well as individuals.

¶18. (U) Speaking for the United States, Ambassador Grover

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Joseph Rees said religious freedom must be protected, not abridged by governments. He expressed U.S. support for the extension of the Special Rapporteur's mandate without amendments and U.S. concern for efforts to limit freedom of expression, particularly relating to "defamation of religion." (Full statement available at [www.usunnewyork.usmission.gov/press\\_release/2\\_0071026\\_268.html](http://www.usunnewyork.usmission.gov/press_release/2_0071026_268.html))

#### The Rights of Migrants

¶19. (U) Special Rapporteur Jorge Bustamante stated that, while states have the right to safeguard borders and regulate migration, they should also ensure the human rights of migrants when enacting and implementing immigration laws. He expressed concern for trends in detentions of migrants, including lack of consular representation, lack of access to lawyers and translators and lack of appeal mechanisms. He called on countries to "allocate as many resources to development projects in sending countries as they are spending to building walls--without success--and investing in new technologies to protect their borders." He also recommended that states measure labor force demand for documented and undocumented workers to use as a tool to combat xenophobia.

¶10. (U) Speaking for the United States, Ambassador Grover Joseph Rees expressed U.S. support for legal, safe and orderly immigration and for the protection of the human rights of migrants. (Full text is available at [www.usunnewyork.usmission.gov](http://www.usunnewyork.usmission.gov))

#### The Human Rights Situation in the DPRK

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¶11. (U) Special Rapporteur Vitit Muntarbhorn noted the positive impact of the Six Party Talks and the Korean Summit. However, he also described serious concerns about the situation in the DPRK, including food shortages, political

repression and imprisonment, and the punishment of refugees, including those who are punished upon their return. He emphasized the principle of "non-refoulement" regarding refugees who flee DPRK due to hunger, but then are unable to return due to fear of persecution. He also called for support of the first asylum countries. He noted that the most vulnerable groups in the DPRK are women and children who are not part of the elite. Muntarbhorn made recommendations for future action to both the DPRK and the international community.

¶12. (U) The DPRK delegate rejected the resolution creating the mandate of the Special Rapporteur, which he said was a product of the hostile U.S. policy toward the DPRK. He asked if it would not be more effective to address human rights situations without singling out specific countries. He stated that prior to the passage of the resolution on the human rights situation in the DPRK, his country had a wide range of contacts in the field of human rights, including the EU and Amnesty International. After the passage of the resolution, these efforts stopped, he said.

¶13. (U) Japan, however, welcomed the "balanced report" and noted that the DPRK should address the abduction issue mentioned in it. The Japanese delegate stated that Japan would work to normalize relations with the DPRK, including by addressing outstanding issues of abductions and the nuclear issue.

¶14. (U) The Republic of Korea noted the positive impact of the Six Party Talks and the Inter-Korean summit, which the delegate called a major milestone toward peace and prosperity on the Korean peninsula and in the region.

¶15. (U) Speaking for the United States, Ambassador Grover Joseph Rees supported the mandate of the Special Rapporteur and expressed concern for the situation in the DPRK. He also asked for further information on the situation of political prisoners and the exploitation of refugees, especially women

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and children. (Full text of the statement is available at [www.usunewyork.usmission.gov/press\\_release/2\\_0071026\\_269.html](http://www.usunewyork.usmission.gov/press_release/2_0071026_269.html))

#### Human Rights in Burundi

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¶16. (U) Independent Expert Akich Okola said the international community needs to support Burundi's efforts to respect economic and social rights as well as civil and political rights. Among the problems he highlighted were corruption among government officials, increasing arbitrary arrests, and violations of freedom of expression, movement and protection from torture. He called for resolution of the matter of the massacre of civilians in Musinga in order to stem a culture of impunity. He noted an increase in sexual violence against women and minors and the continued preference for out of court settlements in these cases. He also highlighted the need for international humanitarian assistance to address cyclical famine. He called attention to the delays in the implementation of the transitional justice mechanism and noted that Burundian officials had reached a consensus on a national consultations process, led by a steering committee. He later clarified that this steering committee does not yet exist.

¶17. (U) The Burundian delegate responded that, in only two years, the government has made enormous progress. Now people are able to talk about cases of rape, when in the past it was unmentionable. He admitted Burundi is not perfect, but that the government of Burundi is aware of what needs to be done. He requested international assistance in providing food and jobs for the people.

¶18. (U) The U.S. delegate expressed concern that the report downplayed the level of human rights violations committed by

military personnel, but Okola disagreed that this was the case. (Full text is available at [www.usunnewyork.usmission.gov/press\\_release/2\\_0071026\\_267.html](http://www.usunnewyork.usmission.gov/press_release/2_0071026_267.html))

#### Human Rights in the Democratic Republic of Congo

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¶19. (U) Independent Expert Titinga Frederic Pacere said widespread violations of human rights have not yet been brought before the judiciary. He highlighted the massacres in North Kivu, the re-incorporation of army officers responsible for killings into the military, the instability of the situation in South Kivu, and the increase of crimes of sexual violence and the impunity toward these crimes as primary areas of concern. Pacere recommended an end to both the climate of impunity and political and military interference in the administration of justice. He also called for the adoption of laws implementing the Rome Statute, support for the UN mapping project, the vetting of security forces, the creation of a national human rights commission and the acceleration of disarmament of Hutu groups in South Kivu.

¶20. (U) The DRC delegate responded that disarmament efforts are underway. He emphasized the reemergence of the rule of law in the DRC with a goal of victory over poverty, injustice, and social inequality. He called for international support, noting, "beyond speeches and unending resolutions, we need specific actions."

¶21. (U) The U.S. delegate mentioned concerns relating to the use of excessive force by the police and armed militia and the reintegration of human rights abusers and war criminals into the security forces. He also expressed concern for the widespread sexual violence and for the precarious situation of journalists in the DRC. He asked why other human rights violations, such as forced labor, child soldiers and trafficking in persons were not mentioned in the report. The Independent Expert responded the child soldiers were the focus of last year's report. Because there are too many issues to address at once, said Pacere, this year's focus was on crimes committed by law enforcement. (Full text of the U.S. statement is available at [www.usunnewyork.usmission.gov/press\\_release/2\\_0071026\\_271.html](http://www.usunnewyork.usmission.gov/press_release/2_0071026_271.html))

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